IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 26546 of 2007(I)

PETITIONER:

K.V.PAULOSE,
S/O.VAREETH, KAITHARATH MANAPURAM HOUSE,
EAST CHALAKUDY, CHALAKUDY- 680 307.

BY ADV. SRI.S.R.DAYANANDA PRABHU

RESPONDENTS:

CHALAKUDY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
EAST CHALAKUDY, CHALAKUDY- 680 307.

BY SC SRI.P.SANTHALINGAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 26546 of 2007

Dated this the 3rd day of October , 2007

JUDGMENT

In this writ petition the petitioner, who is a resident of the respondent Municipality, complains that the Municipality is threatening to take possession of a private road lying upon his private property forcefully and without having recourse to the provisions of the Land Acquisition Act. Sri.P.Shanthalingam the learned Standing counsel for the Municipality submits that a civil suit is pending and the Municipality is prepared to abide by the decision to be taken by the civil court. Sri.S.R.Dayananda Prabhu the learned counsel for the petitioner now submits that the civil suit was between the petitioner and a private party and that suit has now been decided in favour of the petitioner. Sri.Dayananda Prabhu suggested that a direction be issued to the Municipality for disposing of Ext.P6 after hearing the petitioner. There is controversy as to the existence or otherwise of a public road through the petitioner's property. According to the learned Standing counsel a metal road exists on the petitioner's property.

I do not propose to settle this controversy. I relegate the

petitioner to seek remedies before the competent civil court. I dispose of the writ petition accordingly. However, the interim order which was passed by this court on 6.9.2007 and continued till date will continue for a period of six more weeks from the day the petitioner obtains a copy of this judgment. This is to enable the petitioner to approach the Civil court. The petitioner will apply for the copy forthwith.

The writ petition is disposed of as above.

PIUS C. KURIAKOSE,
JUDGE.

Dpk